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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,265	10/30/2000	Marc Iacovelli	8209.506	6648

7590                    05/15/2003

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[REDACTED] EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
1772	10

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/698,265	IACOVELLI ET AL.	
<b>Examiner</b>	<b>Art Unit</b>		
Jane J Rhee	1772		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 February 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .  | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claims 1, 8, and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "The third area having a substantially smooth bottom surface" was never conveyed in the original specification or claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- A person shall be entitled to a patent unless –
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Primeau (5482759).

Primeau discloses a molded flexible mat having a raised peripheral lip provided on side edges of the molded mat (figure 1 sides of the mat), a first area contained within the peripheral lip, the first area having a recessed bottom surface and a plurality of raised protrusion extending from the bottom surface thereby providing a texturized surface (figure 1), at least one third area having a substantially smooth bottom surface (figure 1 number 22), the at least one third area provided within the first area of the mat and adjacent to the texturized

surface pattern (figure 1), and at least one wear plate fixed upon the smooth bottom surface of at least one third area of the molded mat (figure 1 number 26a).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 and 11-13, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Primeau (5482759).

Lu discloses a molded flexible mat having a raised peripheral lip provided on side edges of the molded mat (figure 1 the sides of the mat), a first area contained within the peripheral lip (figure 1 lower third of the mat and upper third of the mat), the first area having a recessed bottom surface and a plurality of raised protrusions extending from the bottom surface thereby providing a texturized surface (figure 1 lower third of the mat and upper third of the mat), at least one third area having a substantially smooth bottom surface (figure 1 area inbetween the protrusions) and at least one wear plate fixed upon the smooth bottom surface of at least one third area of the molded plate (figure 1 lower third of the mat). Lu discloses that the second area contained within the peripheral has a recessed floor and a plurality of elongated parallel ridges protruding form

the recessed floor (figure 1 middle of the mat). Lu discloses that the second area further comprises a plurality of raised bumps on the recessed floor in between the parallel ridges (figure 1 middle of the mat). Lu discloses that the first area of the molded mat generally covers an upper section and a lower section of a substantial floor area of the mat (figure 1 upper third and lower third of the mat) and the second area of the molded mat generally covers a middle section of the substantial floor area of the mat (figure 1 middle section). Lu discloses at least one wear plate comprises a heel plate located in the lower section of the mat (figure 1 any portion of lower third of the mat). Lu discloses that at least one wear plate comprises a toe plate located in the upper section of the mat (figure 1 any portion of upper third of the mat). Lu discloses at least one wear plate comprises a toe plate located in the upper section of the mat and a heel plate located in the lower section of the mat (figure 1 any portion of the upper third section and any portion of the lower third portion). Lu discloses that at least one wear plate is surrounded at its edges by a contoured wall, raised and extending up from the bottom surface (figure 1 the side walls of the mat). Lu discloses at least one wear plate comprises a toe plate located in the upper section of the mat and a heel plate located in the lower section of the mat (figure 1 any portion of the upper third and lower third portion of the mat). Lu discloses that the floor mat further comprises a backside of the molded mat, the backside having at least one gripping section for gripping the vehicle floor, the gripping section having a plurality of outwardly extending protrusions (figure 2). Lu discloses that at least one gripping section located on the backside of the mat opposite the wear plate

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fixed to the front surface of the mat (figure 2). Lu disclose at least one third area is contained within a surrounding wall raised and extending up from the bottom surface (figure 1 inbetween the protrusion in the lower third).

Lu fail to disclose at least one third area provided within the first area of the mat and adjacent to the texturized surface pattern. Primeau teaches at least one third area provided within the first area of the mat and adjacent to the texturized surface pattern for the purpose of providing a removable portion that can be cleanable out of the car (col. 1 lines 29-31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Lu with at least one third area provided within the first area of the mat and adjacent to the texturized surface pattern for the in order to provide a removable portion that can be cleanable out of the car (col. 1 lines 29-31) as taught by Primeau.

4. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (Des 422256) and Primeau in view of Wen-Hwang (5215348).

Lu and Primeau discloses the floor mat described above. Lu fails to disclose that the wear plate comprises a metal plate having a texturized surface pattern. Wen-Hwang teaches that the wear plate is made of hard plastic for the purpose of increasing the serviceable life of the footpad (col. 2 lines 50-52). However, one of ordinary skill in the art would have recognized that hard plastic could be replaced with metal since they obtain similar durability in nature. It would have been obvious to one of ordinary skill in the art at the time applicant's

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invention was made to have provided the wear plate a metal plate, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice absence of showing unexpected results. In re Leshin, 125 USPQ 416.

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu, Primeau, Wen Hwang in view of Bailey.

Lu, Primeau, Wen Hwang discloses the floor mat described above. Lu, Primeau, Wen Hwang fail to disclose that the metal plate is fixed upon the smooth bottom surface of at least one third area of the molded mat by a plurality of rivets passing through the floor mat. Bailey teaches a plurality of rivets passing through the floor mat for the purpose of to help hold the grill in place (col. 3 lines 45-47).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Lu, Primeau, Wen Hwang with a plurality of rivets passing through the floor mat in order to help hold the grill in place (col. 3 lines 45-47).

***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*Jane Rhee*

Jane Rhee  
May 6, 2003

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
*M2*

5/14/03